APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/853,007	05/08/97	CHI-YA CHENG	J

1M61/0428

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EXAMINER
YILDIRIM, B

ART UNIT	PAPER NUMBER
1764	

DATE MAILED: 04/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	Application No.	Applicant(s)
Advisory Action	08/853,007	Cheng et al.
	Examiner	Group Art Unit
	Bekir L. Yildirim	1764

THE PERIOD FOR RESPONSE: [check only a) or b)]

a) ☒ expires ___*four*___ months from the mailing date of the final rejection.

b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on ___*Apr 2, 1999*___ has been considered with the following effect, but is **NOT** deemed to place the application in condition for allowance:

☐ The proposed amendment(s):

    ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

    ☐ will not be entered because:

        ☐ they raise new issues that would require further consideration and/or search. (See note below).

        ☐ they raise the issue of new matter. (See note below).

        ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

        ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

    NOTE: _____

    _____

    _____

☐ Applicant's response has overcome the following rejection(s):

_____

_____

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
of the reasons of record. It is still believed that the reference need not have a binderless example to sufficiently teach or suggest the claims SeeIn re Boe, 53 CCPA 1079, 1083, 355 F.2d 961, 965, 148 USPQ 507, 510 (1966) (Contd.

☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: *None* _____

Claims objected to: *None* _____

Claims rejected: *1-10* _____

☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ .

☒ Other *(contd.) With respect to the 103 rejection, it is not believed that unexpectedness to overcome the prima facie obviousness has been sufficiently established. "more economically" in and of itself, even if established, is not synonymous with "unexpected". Kushnercik clearly teaches the function of the binder and/or diluent, thus leaving it to the artisan to decide whether or not to include binder.*

Bekir L. Yildirim
Primary Examiner